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**FILED**

JUN 29 2018

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**CV 18**  
IN RE APPLICATION OF DECHERT LLP,

**80 114 MISC**  
Case No.

**DMR**

Applicant.

**DECLARATION OF BENJAMIN  
ROSENBERG IN SUPPORT OF  
DECHERT LLP'S APPLICATION FOR  
DISCOVERY FOR USE IN A FOREIGN  
PROCEEDING**

1 I, Benjamin Rosenberg, declare and state as follows:

2 1. I am an attorney duly admitted to practice law in the State of New York and have a  
3 *pro hac vice* application pending before this Court. I am a partner in the law firm of Dechert LLP  
4 (“Dechert”), representing Dechert in this proceeding. I am aware of the facts set forth in this  
5 declaration from information I received from attorneys in Dechert who are familiar with the  
6 firm’s representation of Eurasian Natural Resources Corporation Ltd. (“ENRC”). I respectfully  
7 submit this declaration in support of Dechert’s Application For Discovery For Use In A Foreign  
8 Proceeding.

9 2. ENRC retained Dechert in or about April 2011 to provide legal services relating  
10 to the investigation of a whistleblower’s claim that one or more ENRC subsidiaries engaged in  
11 wrongdoing. On or about March 27, 2013, ENRC terminated the retainer. Dechert wrote a letter  
12 to ENRC concerning the termination of the retainer.

13 3. This letter was apparently obtained by Mr. Danny Fortson, who used it to write  
14 articles published in *The Sunday Times*, which revealed the contents of the letter.

15 4. The article recounted that the letter contained allegations of ENRC misconduct,  
16 including evidence that documents had been falsified and destroyed, use of electronic wiping  
17 tools by employees, payments to African presidents, and creation of a false office.

18 5. ENRC apparently believes that Dechert was the source of the leaked letter to Mr.  
19 Fortson, and has stated that it is reasonably likely to bring a claim in a pending proceeding against  
20 Dechert in the United Kingdom in relation to this leak. Dechert denies that it leaked the letter.

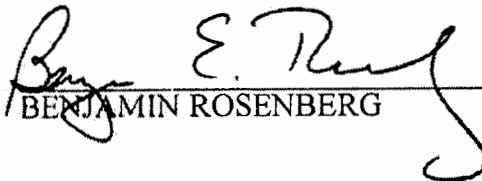
21 6. Attached hereto as **Exhibit A** are true and correct copies of the stories published  
22 by Mr. Fortson in *The Sunday Times* based on information obtained from the leaked letter from  
23 Dechert to ENRC.

24 7. Attached hereto as **Exhibit B** is a true and correct copy of the subpoena that  
25 Dechert wishes to serve on Mr. Fortson.

26 8. Attached hereto as **Exhibit C** is a proposed order granting Dechert leave to  
27 conduct the requested discovery, to permit the service and enforcement of the subpoena attached  
28 hereto, and to grant further discovery in favor of Dechert as the Court deems just and appropriate.

1  
2 I declare under penalty of perjury under the laws of the State of California and the United  
3 States that the foregoing is true and correct and that this declaration was executed this 29th day of  
4 June, 2018, in New York, New York.

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6 Dated: \_June 29, 2018

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BENJAMIN ROSENBERG